

# OCEAN RECORDS ARE BROKEN NO GAS REBATE INTEREST

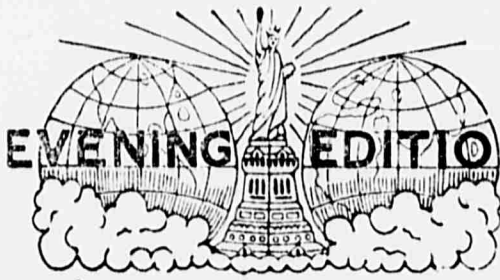
WEATHER—Fair to-night; Friday cloudy and warmer.

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## World.

"Circulation Books Open to All."

NEW YORK, THURSDAY, FEBRUARY 18, 1909.

PRICE ONE CENT.

## MUST SUE FOR INTEREST ON GAS REBATES

Federal Court Will Return  
Only Exact "Overcharge"  
in Its Hands.

REST FOR "EXPENSES."

Mulcted Customers of Trust  
May Sue Companies If  
They Wish.

Judge E. Henry Lacombe, in the United States Circuit Court, to-day issued a special memorandum on the subject of interest claims arising out of the \$12,000,000 gas fund, which represents the difference between the legal rate of 5 cents and the 11 charged by the Gas Trust. Judge Lacombe holds that the gas consumer can sue the Gas Trust for "legal interest," but that such process cannot be brought against the gas fund. He says:

"As to interest, no question as to whether or not the gas company should pay interest at 6 per cent. per annum to any consumer is before this court; any such controversy, if such there be, will have to be adjusted in some other tribunal."

Judge Lacombe recently was the recipient of complaints made to The Evening World concerning representations made by agents from a concern at No. 265 Broadway, called the Gas Consumers' Audit Company. All of the facts were placed in the hands of the court by representatives of The Evening World. This service to the public is mentioned in the memorandum.

"No injunction was ever issued against any individual consumer; each was left free to refuse payment of the overcharge if he chose to do so."

"Many consumers did so refuse and have only paid at the 5-cent rate during the interval. So now, if any consumer prefers not to take from the fund which the Master allows to be distributed, the amount of his overcharge, but, on the contrary, elects to prosecute the company for the amount of such overcharge with legal interest, he is entirely free to do so. Whether or not the company would have any defense to such action would be decided by the court in which it might be brought."

The court defines the situation as it exists in this way:

**Returns Rebate Only.**

"All that we have to do here is the return of the items of overcharge deposited with the special master to the true owners. While in his custody the fund earned some interest, not at the rate of 6 per cent., 2-1/2 was the utmost the master could obtain at any time, and not always that. These accumulations, it is now suggested, should be distributed ratably with the refunds as interest thereon."

"The order under which the deposit was made did not provide that this should be done; it was known at the time that there would be expenses of administration which would have to be borne by the fund itself, but which it was expected the accumulations would be sufficient to meet."

"Indeed, the present application recognizes that and asks that only the amount in excess of expenses of administration be now distributed."

Judge Lacombe says that Commissioner Shields has had a careful calculation made in the case of the Consolidated Gas Company as to the distribution of the refund and the relative proportions are the same with regard to the other companies. The papers for the refund show 673,031 separate accounts.

**Is a Tremendous Task.**

"The distribution," continues Judge Lacombe, "even of the total accumulations between this large number of different individuals, would give but a trifling amount to each. These accounts reach back for a period of thirty-three months, and it is estimated that there will be an aggregate of over 20,000,000 separate items. The auditing, after an experiment as to the time required for making interest calculation as to a few items, estimates that in order to calculate the interest on this 20,000,000 items, ranging in amount and date, and to check and audit these calculations would cost, at 75 cents per hour, a sum which would nearly equal the whole amount of the accumulations. Apparently the persons who would get the most benefit from these operations would be the clerks employed to do the work."

## SCHMITTBERGER, MAN HATED BY "SYSTEM," MADE CHIEF INSPECTOR

Succeeds Cortright as Head of the Active Police Force—Has  
Earned Promotion by Honest Work and Despite  
Most Bitter Enemies.

Maximilian Schmittberger, for many years the outcast of the Police Department, was promoted to the position of Chief Inspector to-day, to succeed Moses Cortright, retired. There is wailing and cursing and gnashing of teeth in the old guard of the system, but the rank and file of the police force are pleased at Schmittberger's promotion, because he has honestly earned it.

Since the Lexow investigation, when Schmittberger turned informer and earned for himself the sobriquet "Dutch Squarer," he has not had many days of ease as a policeman. As long as the old beery crowd was in control Schmittberger was kept in eclipse. He was not allowed even to march in a police parade until Commissioner L. J. Adams recognized the worth of his services. There was some talk of a few of the old-timers refusing to march with him, but if any entertained that design they kept it carefully concealed.

**On Force Thirty-five Years.**

Schmittberger is fifty-eight years old and has been a policeman thirty-five years, dating his service from Jan. 28, 1874. He was made a constable April 2, 1880, a sergeant March 6, 1888, a captain Dec. 8, 1890, and an inspector March 2, 1903.

Schmittberger was in charge of the Steamboat Squad when Senator Lexow led his investigators down upon New York city and lifted the lid off the Police Department. It has been and is the contention of Schmittberger and his friends that a ring in the department

had framed up to make him a scapegoat, and that he turned informer to save his position and protect his wife and children. At any rate, his wife, a woman of determination and courage, played a large part in influencing Schmittberger's confession.

**Foiled His Enemies.**

Following the Lexow disclosures Schmittberger was pounded and humiliated unceasingly. His every action was watched. The slightest indiscretion would have served to "break" him, for his enemies were in charge of the police force.

A man of less character would have broken down under the strain and quit. Schmittberger stood pat.

Gen. Francis V. Greene, while Police Commissioner, pulled Schmittberger out of oblivion and made him an inspector. Commissioner McAdoo, who entered the department with a prejudice against Schmittberger, grew to look upon him as a capable and reliable cop.

**Won Bingham's Regard.**

Commissioner Bingham came into office violently prejudiced against Schmittberger, and soon placed him on trial for alleged infractions of police rules in the Bon Ton road. Schmittberger put up such a good defense that the Commissioner dismissed the charges. It was not long before Commissioner Bingham was leaning largely upon the stalwart Schmittberger.

Schmittberger will not get the \$5,000 a year salary that Cortright enjoyed, for Cortright had been a Deputy Chief under the old charter. The salary of the Chief Inspector is \$3,500 a year the same as that of any other inspector.

## MAURETANIA NEAR FINISH WITH RECORD

Ocean Flyer Due Off Ambrose Lightship at About  
8.30 O'Clock.

CLIPS MARK 3 1-2 HOURS.

Twice Beats Day's Run Standard and Lowers Time  
Over Long Course.

"Twelve o'clock noon—Mauretania 250 miles east of Ambrose Channel Lightship; westerly gale; all well."

"PITCHER."

The above wireless, received at the Cunard offices to-day, means that the big turbine, while having beaten all records, will not dock until to-morrow morning. She will not reach the Ambrose Channel Lightship until about 8.30 o'clock, should she keep up her average of about twenty-six knots, which, owing to the strong head winds, she probably will not be able to do. Reaching Sandy Hook at 8.30 o'clock to-night, her time would be 4 days, 15 hours and 45 minutes.

At 8 A. M. to-day the liner was approaching Nantuxet Lightship, and had the western gale held off she should have reached the Ambrose Channel at about 7 o'clock to-night, when it would have been possible for her to dock this evening. The latest news, however, makes this impossible.

**New Long Distance Record.**

Capt. Pritchard had predicted that his vessel would make a new record on this trip, and she smashed them all. It is regrettable that she ran into the strong offshore blow.

Figuring her time on the present run at 4 days, 15 hours and 45 minutes, she beats by nearly three hours the record made by her sister ship, the Lusitania, over the long course, and beats her own best record over the same course by about three and one-half hours.

The long course is used by liners in winter and until midsummer. The short course is at least 110 miles less in distance.

On this trip not only has the Mauretania broken the record for the best day's run, having logged 611 knots in a twenty-five-hour day, ending at noon Monday, but she has broken the long-distance record.

The average speed maintained by the great turbine up to to-day was 23 1/2 knots.

The best single day's showing before this was 63 knots, done by the Mauretania's sister ship, the Lusitania. In her race across the ocean the Mauretania by Monday at noon had covered 611 knots; by Tuesday at noon, 647 knots; and yesterday at noon 668 knots. The Mauretania is carrying 117 first cabin passengers, 138 in the second cabin and 637 in the steerage.

**Feather for the Captain.**

When Capt. Pritchard became commodore of the Cunard fleet recently, succeeding the captain of the Lusitania in that capacity, he was urged by officials of the line to take the Lusitania in order that she should remain the flagship, as the flag goes with the commodore.

But Capt. Pritchard declined, although the Lusitania then held a record that few deep sea speed experts thought would ever be beaten.

"The Mauretania is the faster ship of the two," he declared. "She has never had a fair deal. She has been a hard luck ship. If it wasn't a proper breaker it was rough weather that kept her back, and if she has good conditions I am sure she will break the record."

So the Mauretania is the flagship, and this voyage makes her deserve the honor.

**EXPLOSION KILLED THREE.**

**Four Other Fatally Hurt When Keg of Powder Blew Up.**

STEEBENVILLE, O., Feb. 18.—Three persons were burned to death and four fatally injured early to-day by an explosion of a keg of mining powder in a coal mine near Steebenville, W. Va. The dead are Michael Rutkowski, his wife and children. The four injured were fearfully burned. How the powder became ignited is not known.

**TROOPS GET EXPENSES.**

ALBANY, Feb. 18.—Gov. Hughes to-day signed the Rose bill appropriating \$10,000 toward defraying the expenses of State National Guard organizations designated to attend the Taft inauguration at Washington on March 4.

## President of National League Who May Be Deposed by Board



HARRY C. PULLIAM.

## TAFT, WITH MUCH CEREMONY, MADE A "MASON AT SIGHT"

Many Dignitaries of Order See  
Special Honor Conferred  
on President-Elect.

CINCINNATI, Feb. 18.—President-elect Taft, who arrived here to-day for the purpose of being received into the Masonic order, went through the ceremony this afternoon, he being made a "Mason at sight" at the Scottish Rite Cathedral, large and distinguished body of leaders of the order crowding the building.

Grand Master Charles S. Hoskinson, who alone under the constitution of the Ohio Grand Lodge has the authority, conferred the honor, which is likened to the ancient honor of knighthood on the field of battle being conferred for great achievements.

Among the prominent Masons present were Grand High Priest of the United States Joseph Dyer, of the Royal Arch Masons of Illinois; Grand Master Herbert Montague, of Michigan; Grand Master Joseph L. Davenport, of South Dakota, and Past Master A. B. McGaffey, of Colorado, representing the Grand Lodge of that State.

The ceremony will be followed this evening by the exemplification of the master's degree by the Kilwinning Lodge, of which Judge Taft's father was a member and with which he will affiliate. A grand ball and reception will be given by the Hanselman Commandery, Knights Templar, at which the President-elect will be the guest of honor and will be received under the arch of steel, an honor only conferred on high dignitaries of the State and nation.

To-morrow night the President-elect will attend a dinner to be given by the Knicker Club. Saturday afternoon he will leave for Philadelphia.

On his arrival from Washington at 5.35 A. M. to-day Mr. Taft went to the residence of his brother, C. P. Taft, where he had an immediate appointment with Frank H. Hitchcock. The subject of this conference is understood to be relative to Cabinet appointment, but Mr. Taft said he should have no news for publication to-day in that connection.

**MOTORMAN A SUICIDE.**

Discharged from his place as motorman on the Brooklyn Rapid Transit lines because of neglect of duty, and despondent over trouble with his wife, Robert J. Stewart, forty, of No. 330 Fifty-fourth street, Brooklyn, killed himself to-day by inhaling illuminating gas. His landlady found him dead in bed.

**The World's Travel Bureau.**

Second Avenue, New York. Traveling, Touring, Excursion, Ticketing, Drafting, Express, Parcel and Baggage, etc. etc. while convenient. In the path of travel, etc.

## MORSE CAN QUIT TOMBS ONLY ON BUSINESS CALLS

Court Says Its Order Doesn't  
Cover Social Visits or  
Joy Rides.

Charles W. Morse will not make daily excursions from the Tombs to Wall street, as he contemplated doing. Neither will the Federal Court allow him to take motor drives through the parks and boulevards, or to pay social calls.

When the U. S. Circuit Court of Appeals issued the order permitting him to personally attend an important business meeting yesterday, Morse and his counsel believed the former financial wizard would be allowed to leave the gray-walled prison every week day. But late this afternoon Judges Lacombe, Cox and Noyes put a kibosh on this, by deciding for Marshal Henkel that Morse was only to be out of the Tombs one day a week or so.

Hereafter when Morse wishes to visit outside of the Tombs he will have to furnish satisfactory proof that his presence is required at a business meeting, and affidavits are demanded by the Federal authorities.

When Morse asked Marshal Henkel to take him on a "visit uptown" to-day that officer refused.

"I will not allow you to leave the Tombs," said Marshal Henkel, "until I have consulted Judge Lacombe. The order on which you were temporarily freed yesterday does not mean that you can visit friends, or take motor drives. As I interpret the order you are permitted to leave the Tombs only when urgent business requires."

Harry Morse, the skyrocket financier's son, was at the Tombs bright and early with the family limousine car, but the Marshal was obdurate and would not escort the convicted man on his tour. Morse went back to his cell disgruntled.

**STEEL PRICES MAY DROP.**

**Probable Result of Long Conference of Trust Heads.**

The conference which was held yesterday between Judge E. H. Gary, chairman of the Board of Directors of the United States Steel Corporation, President W. E. Corey and the heads of the various subsidiary companies of the United States Steel Corporation was continued to-day at the offices of the corporation, this city.

Although it is reported that the conference was for the purpose of talking over trade conditions with a view of making another reduction in steel prices, no official information was given out to-day regarding the object of the meetings.

## NATIONAL LEAGUE TIED ON QUESTION OF DROPPING PULLIAM

President's Retirement From Office  
Held Up by Vote of Four  
to Four, Report From  
Chicago Says.

"THEY ARE MONEY MAD AND  
WILL KILL GAME," HE SAYS.

Refuses to Attend Meeting Which Is Deciding  
His Fate—Compromise May Give Him  
Leave of Absence for a  
Year.

CHICAGO, Ill., Feb. 18.—Harry Pulliam, president of the National Baseball League, will probably step down and out of his official position before the night is over. He will be assisted by the National Board—in fact, ousted.

It was reported to-day that the board stood four to four on the question of retiring Pulliam, with the prospect of the tie being broken in favor of letting the natty little president out altogether.

Pulliam declined to attend the meeting to-day, declaring that he had no desire to do business with men "built like Durham bulls, who did nothing but nag and bawl him to desperation."

"They are money mad," said Pulliam. "They are killing the game like the turfman killed the racing game. I am through with them."

**Lost His Supporters.**

Garry Hermann, of Cincinnati, presided at the meeting to-day. It was said that Hermann, President Murphy, of Chicago; Dreyfuss, of Pittsburgh; and Ebbs, of Brooklyn, were lined up together in the war on Pulliam.

Until a few weeks ago Hermann and Dreyfuss were Pulliam's strongest supporters. For several years they had stood by him when the New York club

others attempted to have him displaced. Pulliam, it is said, ordered Dreyfuss out of his New York office several weeks ago after a wrangle over the playing schedule.

For several months Pulliam has been pulling his hair and gnashing his teeth. To intimate friends he let it be known that he would not permit Dreyfuss or any of the other magnates to dictate the policy of his office.

**May Get "Vacation."**

Dreyfuss discovered Pulliam at Louisville and took him to Pittsburgh, where Pulliam was made the secretary of the Pittsburgh club. Dreyfuss then made him president of the National League.

It was said that an effort was being made to save Pulliam. His friends on the board suggested a plan

## BESSIE M'COY PLEADS FOR RELEASE OF GIRL IN COURT

Virginia Drew Charged With Trying to Get \$27 from Hotel  
Where Actress Lives by Sending Dummy  
Package to Her

Bessie McCoy, the actress, appeared reluctantly as complainant against Virginia Drew in the West Side Court to-day before Magistrate Cornell. The Drew girl was accused of trying to get \$27 from Reisenweber's Hotel, where both she and Miss McCoy have lived for some time.

Miss Drew comes from Chicago; she went to the hotel a week ago. Having learned of Miss McCoy's presence there and the name of the hotel clerk, she sent a messenger to the hotel to get her. She was told that Miss McCoy was not at the hotel and she was allowed to go. But Miss McCoy says that she is going to get her out if it is possible and have her sent to her home in Chicago.

called up George W. Becker, the cashier of the hotel, on the telephone, and confirmed the false order.

Becker knew that Miss McCoy was not out of the hotel and delayed the messenger until he could send detectives along with him. Miss Drew was arrested. She was pretty and well dressed and her story of hard luck made a great impression on the actress. Miss McCoy refused to go to court at first and a subpoena was sent for her. In court Magistrate Cornell refused to heed her plea; that Miss Drew was allowed to go, but Miss McCoy says that she is going to get her out if it is possible and have her sent to her home in Chicago.

**BILL AGAINST PUBLISHING HORSE RACE ODDS FAVORED.**

Senator Agnew Told That His Measure Will Be Reported Without a Hearing.

ALBANY, Feb. 18.—Senator Agnew to-day asked the codes committee to give him a hearing on his bill prohibiting the publication of betting odds on races.

Chairman Hill replied that the sentiment in the committee appeared to be favorable to the bill and that it would be reported without a hearing.

Senator Agnew has in mind other measures to strengthen the law against race track gambling, but said he was not yet prepared to discuss the details.

**PITTSBURG BANKER GUILTY OF BRIBERY.**

Jury Convicts W. W. Ramsey of Giving \$17,500 to Councilman to Get City Deposits.

PITTSBURG, Pa., Feb. 18.—W. W. Ramsey, former president of the German National Bank, was found guilty as indicted to-day in connection with the recent graft exposures. The jury returned a sealed verdict last night, which was opened this morning.

Ramsey was accused of bribing Councilman John P. Klein by giving him \$17,500, for which amount Klein was to secure the passage of an ordinance making the bank a depository for city funds.